

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. 05-CV-10879-JLT

KIMBERLY GENEREUX,)	
Plaintiff)	
)	
v.)	PLAINTIFF'S MOTION TO STRIKE
)	PORTIONS OF THE AFFIDAVIT OF
)	NIELS R. OLSEN IN SUPPORT OF
)	DEFENDANTS' MOTION FOR
COLUMBIA SUSSEX CORPORATION,)	SUMMARY JUDGMENT DUE TO
STARWOOD HOTELS & RESORTS)	<u>IMPROPER ARGUMENT AND OPINION</u>
WORLDWIDE, INC., and)	
WESTIN HOTEL MANAGEMENT, L.P.,)	
Defendants)	

Pursuant to Fed. R. Civ. P. 56(e), the plaintiff, Kimberly Genereux, hereby moves this Court to strike paragraphs 4, 10, 18, and 21-23, inclusive, of the affidavit of Niels R. Olsen, which was filed in support of the defendants' motion for summary judgment. In support of her Motion, the plaintiff states that in the aforementioned paragraphs, the witness has proffered non-expert opinion testimony concerning the merits of the plaintiff's claim and the meaning and interpretation of various documents and facts which rises to the level of argument and which opines on the factual issues of control and foreseeability to be determined by the jury, in violation of Fed. R. Evid. 701.

WHEREFORE, this Court should strike and disregard the cited paragraphs of the affidavit.

Respectfully submitted,
By her Attorney,

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March 26, 2008

CERTIFICATE OF SERVICE

I, Mark F. Itzkowitz, counsel for the plaintiff, hereby certify that on this date, I made service of the within document by serving it electronically to registered ECF participants and/or by mailing/faxing/hand-delivering a copy of same to non-registered ECF participants as indicated on the Notice of Electronic Filing ("NEF"), upon the following counsel of record:

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/s/ Mark F. Itzkowitz
MARK F. ITZKOWITZ (BBO #248130)

Dated: March 26, 2008